

Karma M. Giulianelli (SBN 184175)
karma.giulianelli@bartlitbeck.com
BARTLIT BECK LLP
1801 Wewatta St., Suite 1200
Denver, Colorado 80202
Telephone: (303) 592-3100

Hae Sung Nam (*pro hac vice*)
hnam@kaplanfox.com
KAPLAN FOX & KILSHEIMER LLP
850 Third Avenue
New York, NY 10022
Telephone: (212) 687-1980

Co-Lead Counsel for the Class in In re Google Play Consumer Antitrust Litigation

Paul J. Riehle (SBN 115199)
paul.riehle@faegredrinker.com
**FAEGRE DRINKER BIDDLE & REATH
LLP**
Four Embarcadero Center, 27th Floor
San Francisco, CA 94111
Telephone: (415) 591-7500

Christine A. Varney (*pro hac vice*)
cvarney@cravath.com
CRAVATH, SWAINE & MOORE LLP
825 Eighth Avenue
New York, New York 10019
Telephone: (212) 474-1000

Counsel for Plaintiff Epic Games, Inc. in Epic Games, Inc. v. Google LLC et al.

Brendan P. Glackin (SBN 199643)
bglackin@agutah.gov
**OFFICE OF THE UTAH ATTORNEY
GENERAL**
160 E 300 S, 5th Floor
PO Box 140872
Salt Lake City, UT 84114-0872
Telephone: (801) 366-0260

Counsel for the Plaintiff States

Douglas J. Dixon (SBN 275389)
ddixon@hueston.com
HUESTON HENNIGAN LLP
620 Newport Center Drive, Suite 1300
Newport Beach, CA 92660
Telephone: (949) 229-8640

Counsel for Plaintiffs Match Group, LLC, et al.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE GOOGLE PLAY STORE ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

Epic Games, Inc. v. Google LLC et al.,
Case No. 3:20-cv-05671-JD

In re Google Play Consumer Antitrust Litigation, Case No. 3:20-cv-05761-JD

State of Utah et al. v. Google LLC et al.,
Case No. 3:21-cv-05227-JD

Match Group, LLC et al. v. Google LLC et al.,
Case No. 3:22-cv-02746-JD

Case No. 3:21-md-02981-JD

**DECLARATION OF MICHAEL J. ZAKEN
IN SUPPORT OF PLAINTIFFS'
RESPONSE TO GOOGLE'S BRIEF IN
RESPONSE TO THE COURT'S MINUTE
ORDER QUESTIONS REGARDING
PRESERVATION OF CHAT MESSAGES**

Date: January 31, 2023 at 1:30 p.m.

Courtroom: 11, 19th Floor

Judge: Hon. James Donato

1 I, Michael J. Zaken, declare as follows:

2 1. I am a Partner at Cravath, Swaine & Moore LLP, counsel to Epic Games, Inc. (“Epic”)
3 in the above-captioned actions. I am admitted to appear before this Court *pro hac vice*.

4 2. I have personal, first-hand knowledge of the facts set forth in this Declaration. If called
5 as a witness, I could and would competently testify to these facts under oath.

6 3. Attached hereto as **Exhibit 1** is a true and correct copy of Google’s Responses and
7 Objections to Plaintiffs Document Preservation Interrogatories, dated January 14, 2022.

8 4. Attached hereto as **Exhibit 2** is a true and correct copy of a Civil Investigative Demand
9 issued by the United States Department of Justice to Alphabet, Inc. dated October 7, 2019.

10 5. Attached hereto as **Exhibit 3** is a true and correct copy of the document produced by
11 Google in this litigation bearing Bates range GOOG-PLAY4-007020192-206.

12 6. Attached hereto as **Exhibit 4** is a true and correct copy of the document produced by
13 Google in this litigation bearing Bates number GOOG-PLAY-010028199.

14 7. Attached hereto as **Exhibit 5** is a true and correct copy of the document produced by
15 Google in this litigation bearing Bates range GOOG-PLAY-011126651-652.

16 8. Attached hereto as **Exhibit 6** is a true and correct copy of the document produced by
17 Google in this litigation bearing Bates range GOOG-PLAY-006355148-149.

18 9. Attached hereto as **Exhibit 7** is a true and correct copy of the document produced by
19 Google in this litigation bearing Bates range GOOG-PLAY-005428116-117.

20 10. Attached hereto as **Exhibit 8** is a true and correct copy of the document produced by
21 Google in this litigation bearing Bates range GOOG-PLAY-007213451-458.

22 11. Attached hereto as **Exhibit 9** is a true and correct copy of an excerpt from the transcript
23 of the May 12, 2022 deposition of Paul Bankhead in this matter.

24 12. Attached hereto as **Exhibit 10** is a true and correct copy of an excerpt from the
25 transcript of the August 31, 2022 deposition of Purnima Kochikar in this matter.

26 13. Attached hereto as **Exhibit 11** is a true and correct copy of an excerpt from the
27 transcript of the February 3, 2022 deposition of James Kolotouros in this matter.

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and
2 correct and that I executed this declaration on January 27, 2023 in New York, NY.

3 */s/ Michael J. Zaken*
4 Michael J. Zaken

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28